

REMARKS

The following remarks are in response to the Office Action dated 9 June 2005.

Claim Rejections – 35 U.S.C. § 101

Claims 26-30 were rejected as directed to non-statutory subject. The preamble of independent claims 26 states that the device is used on an individual. Applicant does not intend to claim any part of an individual and is not suggesting that an individual is part of the present invention. Applicant requests the Examiner to take judicial notice that it is understood that the various stated body parts, such as neck, back, waist, shoulders, sternum, and skin, are common knowledge to be part of an individual and should not be considered claimed elements. Any reference to a body part should be understood as being used only for spatial orientation and should not be considered as part of the claim. Applicant requests the rejection be removed and the claims be passed to allowance.

Claim Objections

Claims 31-34 were objected to because of the “applicator” being misspelled in claims 31. Applicant has not located the misspelling. Applicant respectfully requests that the Examiner point out and correct the misspelling and requests that the objection to claims 31-34 be removed.

Claim Rejections – 35 U.S.C. § 102

Claims 26 and 30 were rejected under 35 U.S.C. § 102(e) as being anticipated by Talish et al. (‘070). Applicant has amended claims 26 and 30, to state that the invention is directed towards the application of ultrasound energy to increase the blood flow of the individual. Talish et al. is directed towards the treatment of reflex sympathetic disorder (RSD) and, as such, would not teach or suggest the device as recited in claims 26 and 30. The recited dimensions in claims specifically provide for a system that can be used during transportation of an individual to increase the blood flow of the individual. As defined in the claims and previously noted, the stabilization assembly is sized and configured to leave the chest of the individual on opposing lateral surfaces of the ultrasound applicator substantially uncovered by the stabilization assembly to allow another treatment device to be placed alongside the ultrasound applicator at the same time the ultrasound applicator is placed on the chest and affixed to the stabilization assembly, which is advantageous when transporting the patient. Such a device is not shown in Talish. Talish, as previously stated, discusses only treatment of RSD and makes no suggestion in the specification or in the drawings of a system to increase the

blood flow of an individual that will be used on that individual in transport. Accordingly, allowance of claims 26 and 30 is requested.

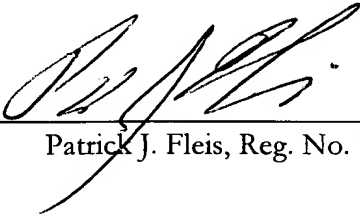
Claim Rejections – 35 U.S.C. § 103

Claims 1, 3, 4, 9, 27-28, 31-32, and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Talish et al ('070). Claims 8, 29, 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Talish et al. in view of Peterson et al. As stated and discussed above, Applicant has amended independent claims 26 and 30, and also independent claims 1, to state that the invention is directed towards the application of ultrasound energy to increase the blood flow of the individual. Talish discusses and is related to using ultrasonic energy for treatment of reflex sympathetic disorder (RSD). Talish does not suggest or teach any use by the described device other than for treatment of RSD and the operating frequencies of Talish would not be within the range recited in the present invention. As such, Talish does not suggest or teach placement of a device for interaction with the thoracic cavity to provide increased blood flow of the individual. The recited dimensions are not shown or taught in Peterson, which are necessary for the system to work as a transportable system, as recited and claimed. It would not have been obvious to combine Talish with Peterson to arrive at the present invention, since there is no suggestion or teaching in Peterson to modify a device that is used only for treatment of RSD for increasing circulation in a transported individual as presently discussed.

Applicant has added new claims 35-37 to recite an ECG the other treatment device referred to in independent claims 1, 26, and 30. Neither Talish nor Peterson teaches or suggests a stabilization assembly for a chest-mounted ultrasound applicator that allows an ECG to be placed laterally alongside the applicator on the chest at the same time the applicator is being used. In Talish (Fig. 2), an applicator is mounted on the chest by a belt that covers the chest on both lateral sides of the applicator so that the applicator may be stabilized on the person's chest. There is nothing in Talish (or Peterson) that teaches or suggests or contemplates stabilizing an ultrasound applicator on the chest of an individual in transit while also making possible the simultaneous placement of the ECG on the chest alongside the ultrasound applicator. Placement of the ECG allows the system to be used for further diagnostic and monitoring purposes while in transit previously not realized in the prior art. Claims 35-37 further patentably distinguish the present invention and allowance is respectfully requested.

Applicant has amended the claims to patentably distinguish the present invention from the prior art. No new matter has been added by these amendments. Applicant respectfully requests allowance of independent claims 1, 26, 31, and dependent claims 3-4, 8-9, 27-30, and 32-37.

Respectfully Submitted,

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9 September 2005

TIME 3 SYSTEMS/934517121-CON 2/0509/9 AMENDMENT B

Enclosures: Amendment transmittal
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